IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10224 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AMIRUDDIN KADARBHAI SHAIKH

Versus

STATE OF GUJARAT

Appearance:

MR AV PRAJAPATI for Petitioner

MR VM PANCHOLI, AGP, for Respondent No. 1, 2

MR HS MUNSHAW for Respondent No. 3, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 31/03/2000

ORAL JUDGEMENT

1. The petitioner is the member of the Iqbalgadh Gram Panchayat, Taluka Palanpur, Dist. Banaskantha. The Sarpanch, Deputy Sarpanch and all the members of the Gram Panchayat were ordered to be removed from the office.

That matter was taken up in appeal. The appellate authority rejected the appeal of all the persons and matter has been taken up in revision before the State Government. The State Government allowed the revision application and the orders of the appellate authority as well as the original authority were quashed. The matter was brought before this court in some of the matters by the District Panchayat. One of the contentions had been raised that the revision application before the State Government was not maintainable.

2. It has been stated by the counsel for the parties that a subsequent development has been taken place and in the criminal case which has been filed against the petitioner, Sarpanch, Deputy Sarpanch and other members C- Summary report is submitted by the police. This court in the earlier petition held that the revision application was not maintainable before the State Government and accordingly the order of the State Government has been quashed and set aside. However, in view of the subsequent development which has been taken place, this court remanded all the matters to the appellate authority to decide the appeals within a period of two months. This special civil application has been filed by the petitioner in abundant precaution against the order of the appellate authority but now this court has directed in the identical matters that the appellate authority has to decide the matter afresh.

3. Accordingly this special civil application is disposed of with the directions that the appellate authority to carry out the order passed by this court earlier and if the appeal is not decided so far then expeditiously the same may be decided. Rule and special civil application stand disposed of accordingly with no order as to costs.

****

zgs/-